THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20225 of 1995

ORAL ORDER:

This writ petition is filed by the management of Alaparru Milk Producers Cooperative Society, Alaparru, Guntur district. It appears, the fourth respondent was appointed as Paid Secretary of the Society on 5.7.1988. The election to the post of President of the petitioner society was held on 14.10.1988 and the new President after assuming the office, removed the fourth respondent from service on 20.10.1988. Aggrieved by the same, he approached the Assistant Labour Officer by raising a dispute for conciliation. It appears, petitioner-management did not attend the said conciliation, therefore, the application of the fourth respondent for reinstatement with back wages was ordered. The fourth respondent also raised a dispute under section 2A(2) of the Industrial Disputes Act, 1947 before the third respondent-Labour Court by way of I.D.No.370 of 1988 for enforcement of the order passed by the Labour Officer. But unfortunately, even before the Labour Court, the petitioner management did not attend, therefore, the evidence of the workman was closed and posted the matter for arguments. There was no representation on behalf of petitioner management for three occasions on 4.11.1994, 9.11.1994 and 19.11.1994. Therefore, on the basis of evidence, the Labour Court allowed the claim of the workman by award dated 19.11.1994, which reads as under:

> "It is the evidence of W.W.1 that he was appointed as Paid Secretary by the respondent on 5.7.1988 on a monthly salary of Rs.450/- and his services were illegally terminated on 20.10.1988 without assigning any reasons. The fact that he approached the Assistant Labour Officer is evidenced by Ex.W1, that is the notice given by the Assistant Labour Officer to the workman. I do not see any reason to disbelieve the evidence of W.W.1. In the absence of any reason for termination of W.W.1, it is to be held that it is

void.

In the result, the order dated 20.10.1988 passed by the respondent management removing the workman from service is hereby set aside and the respondent is directed to reinstate the workman into service with continuity of service and with back wages within one month from the date of notification".

In view of the above, I am of the view that may be, in case when a party is absent and there was no representation on his behalf, the matter could be decided on its own merits. In this case, as seen above, the fourth respondent had hardly worked for three months and his services were terminated. The management, neither violated the provisions of Section 25F of the I.D. Act nor the Shops and Establishment Act. Under those circumstances, I am of the opinion that the Award passed by the Labour Court is arbitrary and illegal, therefore, the same is liable to be set aside.

In the result, the writ petition is allowed and the impugned Award passed by the third respondent-Labour Court in I.D.No.370 of 1988 dated 19.11.1994 is set aside. No order as to costs.

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C.V.RAMULU, J

Date: 7.11.2006
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20225 of 1995

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IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20225 of 1995

Date: 7th November, 2006

Between:

Allaparru Milk Producers Coop. Society,

Alaparru, Nagaram mandal, Guntur district,
rep. by its President.

.. Petitioner

And

The Government of Andhra Pradesh,
represented by its Secretary,
Labour Employment & Training (Lab.I)
Department, Secretariat, Hyderabad
and others.

.. Respondents